

Obituaries

John Jacob Abt; Lawyer for Communist Party in U.S.

By BURT A. FOLKART,
TIMES STAFF WRITER

LA 8/14/91
John Jacob Abt, the courtly New York lawyer who as chief counsel to the Communist Party in the United States helped the party through the prosecutorial McCarthy Era, has died at the age of 83.

The Associated Press reported Tuesday that Abt—whose clients ranged from Angela Davis to the old Congress of Industrial Organizations—died Saturday in a Hudson, N.Y., hospital. He had suffered a stroke.

Abt acknowledged three years ago that he had been a Communist Party member for 50 years and lamented that he had not been able to officially disclose his politics earlier.

"I am sure that this announcement will surprise no one here tonight," the New York Times quoted him as telling a group gathered to celebrate his 80th birthday.

"But it seems to me a rather sad commentary on the state of the freedom of political association in this country that I had to wait for half a century after the event before I felt free . . . to confirm a fact which anyone who knows anything at all about me has assumed to be true for 10, these many years. . . ."

Abt's most celebrated legal vic-

tory came in the 1950s, when he headed a legal team that challenged the constitutionality of the Internal Security Act, more commonly called the McCarran Act.

The law required communists and other groups that were considered to be subversive to register with the government, and barred communists from holding federal jobs or U.S. passports.

In 1961, the U.S. Supreme Court upheld the registration requirement. But Abt prevailed in 1965, when the court ruled that communists could refuse to register based on their constitutional right against self-incrimination.

In a 1975 interview with the Los Angeles Times, Abt said that defeat, coupled with the abolition of the old Subversive Activities Board, "was the final nail in the coffin."

By the time of that interview, the House Internal Security Committee—a leftist nemesis since it was the old House Un-American Activities Committee—had been abolished. Also consigned to history by then were the loyalty oaths and anti-Communist affidavits that Abt had been battling since he was chief counsel to the Senate Civil Liberties Investigating Committee in the late 1930s.

A summa cum laude graduate of the University of Chicago and its law school, Abt became a valued member of the unsuccessful Pro-



Los Angeles Times

John Jacob Abt in 1970

gressive Party presidential campaign team assembled by Henry A. Wallace in 1948.

In 1953, he represented the Communist Party in a case in which the New York Board of Regents tried to stop party members from holding jobs in the schools. The board lost.

Ten years later, Lee Harvey Oswald said he wanted Abt as his lawyer after being arrested in the assassination of President John F. Kennedy. Oswald was shot to death, however, before Abt could respond.

In 1970, he represented Davis in an unsuccessful attempt to prevent her extradition to California, where she faced conspiracy charges in connection with a courthouse shooting.